

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TAMIA BANKS, *et al.*, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

COTTER CORPORATION, *et al.*

Defendants.

**Civil Action No. 4:20-CV-01227**

COTTER CORPORATION (N.S.L.)

Third-Party Plaintiff

v.

MALLINCKRODT LLC, *et al.*,

Third-Party Defendants

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF  
PLAINTIFFS' EMERGENCY MOTION TO LIFT STAY  
TO ALLOW FOR LIMITED DISCOVERY**

**COMES NOW**, Plaintiffs Tamia Banks, et al., who provide this Court and all parties with notice to withdraw the Plaintiffs' Emergency Motion to Lift Stay to Allow for Limited Discovery (Doc. 111).

1. On April 6, 2022, this Court issued an Order that stayed this matter pending outcome of a petition for writ of certiorari the U.S. Supreme Court (Doc. 108).

2. Recently, the Missouri Coalition for the Environment obtained documents from the Army Corps of Engineers through a FOIA request. The documents reveal significant radiation contamination in the vicinity of Jana Elementary School. But the Army Corps did not collect samples within 300 feet of the school nor from the interior of the school, despite guidance from the U.S. Agency for Toxic Substance Disease Registry that supports sampling of interior structures and exterior soil.

3. On August 1, 2022, the Plaintiffs filed an Emergency Motion to Lift Stay to Allow for Limited Discovery (Doc. 111). The motion sought an order from this court to lift the current stay so that the Plaintiffs could issue a subpoena to gain access to the school grounds to sample for radioactive contamination.

4. After filing the motion and notifying the Hazelwood School District School District (“HSD,” or the “School District”), which is managed by the HSD School Board (the “School Board”), undersigned counsel engaged in extensive discussions with counsel for the school district on August 2, 2022.

5. On the evening of August 2, 2022, at a School Board meeting, the School Board voted to allow the Plaintiffs’ experts access to Jana Elementary School for the limited purpose of conducting scientific sampling.

6. Sampling is now tentatively planned to occur early in the week of August 8, 2022. It is anticipated that results of the laboratory analysis of the samples will be available three to six weeks after the samples are collected.

7. Upon receipt of the laboratory analysis of the samples, copies of lab results will be provided to:

- Hazelwood School District

- Jana Elementary School Parent Teacher Association
- Missouri Coalition for the Environment
- Missouri Department of Public Health
- U.S. Army Corps of Engineering c/o FUSRAP
- U.S. Environmental Protection Agency
- Defendants to this action

8. For clarity, undersigned counsel does not represent any of the above-mentioned entities or their management, officers, or directors.

9. Because the issue underlying the Plaintiffs' motion is resolved, by this Notice, the Plaintiffs withdraw the pending Emergency Motion to Lift Stay to Allow for Limited Discovery (Doc. 111).

Dated: August 4, 2022

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 4th, 2022, a true and accurate copy of the foregoing was served by filing it in the court's electronic filing system, which will provide electronic notice and a copy of the filing to all parties and attorneys of record.

/s/ Ryan A. Keane